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3 Eastern District of Washington
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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 VERIFIED COMPLAINT FOR
14 FORFEITURE *IN REM*

15 vs.

16 REAL PROPERTY KNOWN AS 908
17 NORTH BOWDISH ROAD, SPOKANE,
18 WASHINGTON, TOGETHER WITH
19 ALL APURTENANCES, FIXTURES,
20 ATTACHMENTS, AND
21 IMPROVEMENTS THERETO AND
22 THEREUPON,

23 Defendant.

24 Plaintiff, United States of America, by its attorneys, William D. Hyslop, United
25 States Attorney for the Eastern District of Washington, and Brian M. Donovan,
26 Assistant United States Attorney, brings this complaint and alleges as follows in
27 accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

28 **I. NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the use and benefit of the
United States of America the following listed property, hereafter the “Defendant

Property,” for violations of 18 U.S.C. § 2252A(a)(2)(A), (b)(1) Receipt and Distribution of Child Pornography; and, 18 U.S.C. § 2252A(a)(5)(B), (b)(2), Possession of Child Pornography.

II. THE DEFENDANT(S) IN REM

2. The Defendant Property consists of the following property:
Real property known as 908 North Bowdish Road, Spokane, Washington, Parcel #: 45161.0839, legally described as follows:

Lot 15, Block 3, Regos Addition to Opportunity, as per Plat recorded in Volume “X” of Plats, Page 15;

Situate in the County of Spokane, State of Washington.

Together with all appurtenances, fixtures, attachment and improvements thereto and thereupon.

Subject to all easements, restrictions, reservations and covenants of record.

3. The listed owner of 908 North Bowdish Road, Spokane, Washington, is Jeffrey J. Franklin.

III. JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b).

1 6. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1),
2 because the acts or omissions giving rise to the forfeiture occurred in this district.

3 **IV. BASIS FOR FORFEITURE**

4 7. Plaintiff repeats and realleges each and every allegation set forth in
5 Paragraphs 1 through 6 above.

6 8. The United States alleges that the Defendant Property is subject to
7 forfeiture to the United States pursuant to 18 U.S.C. §§ 2253, 2254, because it
8 represents property used or intended to be used to commit or facilitate violations of 18
9 U.S.C. § 2252A(a)(2)(A), (b)(1) Receipt and Distribution of Child Pornography; and,
10 18 U.S.C. § 2252A(a)(5)(B), (b)(2), Possession of Child Pornography. As a result of
11 the foregoing, the Defendant property is liable to condemnation and forfeiture to the
12 United States for its use, in accordance with the provisions of 18 U.S.C. §§ 2253,
13 2254.
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18 **V. FACTS**

19 9. Between the dates of January 4, 2018 and May 6, 2018 SA Rodney
20 Weekes (“SA Weekes”), Homeland Security Investigations (“HSI”), while acting in a
21 covert capacity, established multiple “single source” connections with Internet
22 Protocol (IP) address 24.22.158.142. SA Weekes used an automated law enforcement
23 version of a publically available “peer-to-peer” file sharing program to establish the
24 connection. SA Weekes downloaded eleven (11) child pornography image files and
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1 twelve (12) child pornography video files from IP address 24.22.158.142 during the
2 following occasions:

3 a. January 4, 2018 - SA Weekes downloaded two (2) of thirty-five
4 (35) parts of a child pornography video. The video included three (3)
5 viewable segments of a twenty-six (26) minute and three (3) seconds
6 long video, involving the lascivious exhibition of children and the
7 depiction of children involved in sex acts.
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10 b. February 25, 2018 - SA Weekes downloaded a full child
11 pornography video file. The video was nineteen (19) minutes, and thirty-
12 three (33) seconds long and involved both the lascivious exhibition of
13 children and the depiction of children involved in sex acts.
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15 c. May 6, 2018 - SA Weekes downloaded parts of two (2) child
16 pornography videos. One of the videos included a viewable segment of a
17 fifty (50) minutes and forty (40) seconds long video, involving the
18 lascivious exhibition of children and the depiction of children involved in
19 sex acts. The other video included a viewable segment of a nine (9)
20 minutes and six (6) seconds long video, involving the lascivious
21 exhibition of children and the depiction of children involved in sex acts.
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25 10. On March 7, 2018, SA Weekes issued a summons to Comcast. The return
26 indicated that IP address 24.22.158.142 was, during the specified download times,
27 registered to Jeffrey Jon Franklin ("Defendant") at Defendant Property: 908 North
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1 Bowdish Road, Spokane Valley, Washington 99206. Defendant utilized the Defendant
2 Property to facilitate his illegal behavior and provide him with the privacy necessary
3 to conceal his crimes. Accordingly, Defendant's "use" of the Defendant Property – *i.e.*
4 his home – establishes a substantial nexus between Defendant Property and
5 Defendant's illegal behavior.
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7 11. On June 21, 2018, SA Weekes obtained and executed a search warrant at
8 Defendant Property. HSI/ Resident Agents in Charge ("RAC") Spokane executed the
9 search warrant and seized eighteen (18) digital devices from the property.
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11 12. On September 11, 2018, HSI received for review a computer hard drive
12 extracted through a computer forensic analysis of Defendant's electronic devices. A
13 review of the extracted files revealed a total of 33,909 child pornography image files
14 and 534 child pornography video files. Metadata demonstrates that Defendant
15 downloaded these files between July 7, 2009 through June 21, 2018. These files were
16 downloaded, viewed, and distributed by Defendant from the privacy of his home – *i.e.*
17 the Defendant Property. During the specified times, Defendant downloaded and
18 distributed child pornography material from inside his home, which is the Defendant
19 Property. He used the space as a power source and as a method of hardwiring a
20 connection to the internet, for purposes of downloading and distributing child
21 pornography material. Not only did Defendant Property facilitate the downloading of
22 the illegal child pornography, but it also provided Defendant with the requisite privacy
23 needed to conceal his illegal behavior for nearly a decade. There is, therefore, a
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1 substantial and crucial connection between the Defendant Property and Defendant's
2 illegal behavior.

3 13. On December 4, 2018, the United States filed an Indictment charging
4 Defendant with Receipt of Child Pornography (Count 1), in violation of 18 U.S.C. §
5 2252A(a)(2)(A), (b)(1); Distribution of Child Pornography (Count 2), in violation of
6 18 U.S.C. § 2252A(a)(2)(A), (b)(1); and Possession of Child Pornography (Count 3)
7 18 U.S.C. § 2252A(a)(5)(B), (b)(2).
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10 14. The Indictment contained a Notice of Forfeiture Allegations ("Notice"),
11 pursuant to 18 U.S.C. § 2253, in which the allegations of the Indictment were
12 realleged and incorporated. The Notice contained a provision in which Defendant,
13 upon conviction of an offense in violation of 18 U.S.C. § 2252A(a)(2), (b)(1), or 18
14 U.S.C. § 2252A(a)(5)(B), (b)(2), forfeits to the United States any matter which was
15 used or intended to be used to commit or promote the commission of the offenses
16 charged in the Indictment. The Notice contained a non-exhausted list of property to be
17 forfeited upon conviction.
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21 15. On May 13, 2019, pursuant to the charges set forth in the Indictment,
22 Defendant entered into a Plea Agreement with the United States. In the Plea
23 Agreement, Defendant agreed to plead guilty to Count 3 of the Indictment, charging
24 him with Possession of Child Pornography, in violation of 18 U.S.C. §
25 2252A(a)(5)(B). By entering into the Plea Agreement with the United States,
26 Defendant stipulated and agreed that the facts alleged herein are accurate. Defendant
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1 also acknowledged that the images at issue traveled in interstate commerce via the
2 internet.

3 16. On October 15, 2019, Defendant was convicted of one count of
4 Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and
5 sentenced to a prison term of 48 months. ECF No. 60.
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7 **VI. CONCLUSION**

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9 Based on the foregoing, the United States alleges that the Defendant Property is
10 subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 2253, 2254, because
11 it represents property used or intended to be used to commit or facilitate violations of
12 18 U.S.C. § 2252A(a)(2)(A), (b)(1) Receipt and Distribution of Child Pornography;
13 and, 18 U.S.C. § 2252A(a)(5)(B), (b)(2), Possession of Child Pornography.
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15 WHEREFORE, the United States of America requests that notice of this action
16 be given to all persons who reasonably appear to be potential claimants of interests in
17 the properties; that the Defendant Properties be forfeited and condemned to the United
18 States of America; that the plaintiff be awarded its costs and disbursements in this
19 action and for such other and further relief as this Court deems proper and just.
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22 DATED this 21st day of October 2019.

23 William D. Hyslop
24 United States Attorney

25 s/ Brian M. Donovan
26 Brian M. Donovan
27 Assistant United States Attorney
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VERIFICATION

I, Trinity W. Street, hereby verify and declare under penalty of perjury that I am a Special Agent with the Homeland Security Investigations, in Spokane, Washington, that I have been assigned responsibility for this case following the retirement of SA Weekes and am familiar with the file and evidence, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent.

I hereby verify and declare under penalty of perjury that the foregoing information is true and correct.

DATED this 21 day of October 2019.


Trinity W. Street, Special Agent
Homeland Security Investigations

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Brian M. Donovan, AUSA, United States Attorney's Office, P.O. Box
1494, Spokane, WA 99210-1494 (509) 353-2767

DEFENDANTSREAL PROPERTY KNOWN AS 908 NORTH BOWDISH ROAD,
SPOKANE, WASHINGTON

County of Residence of First Listed Defendant Spokane
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) _____ ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. §§ 2253, 2254

Brief description of cause:
civil forfeiture of property facilitating child pornography violations

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE NielsenDOCKET NUMBER 18-CR-00220-WFN

DATE
10/21/2019

SIGNATURE OF ATTORNEY OF RECORD

Brian M. Donovan, Assistant U.S. Attorney

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____